

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROBERT R. MOELLER, )  
                          )  
                          )  
                         Plaintiff, )  
                          )  
                          )  
                         v. )                         No. 4:04-CV-1494 (CEJ)  
                          )  
                          )  
KIM KLEINS and )  
STEPHEN D. CRAWFORD, )  
                          )  
                          )  
                         Defendants. )

MEMORANDUM AND ORDER

Plaintiff has filed a motion asking that the Court compel the defendants to produce copies of plaintiff's medical records and other records relating to his claim. Plaintiff states that these records are maintained by the Missouri Department of Corrections in its computer system. He states that he cannot obtain the documents from the Department of Corrections because he is unable to pay the fees that the department charges. The defendants are not employees of the Department of Corrections and do not have possession of or control over the documents. Therefore, the Court cannot compel the defendants to produce the records plaintiff seeks. Also, the Court cannot pay the fees charged by the Department of Corrections for reproducing the records. The plaintiff's motion to compel will be denied.

Also before the Court is the plaintiff's motion for appointment of counsel. Because this is a civil action, the plaintiff has no constitutional right to the appointment of counsel. The plaintiff has presented his claim in a clear, concise and understandable fashion. At the present time, it appears that

the plaintiff is capable of representing himself and that he will not be prejudiced by not having an attorney.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to compel [#12] and motion for appointment of counsel [#5] are **denied**.



CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of June, 2005.